Section IV:

AMENDMENT UNDER 37 CFR §1.121

REMARKS

Election in Response to Restriction Requirement

Applicant confirms that in response to a Restriction Requirement, applicant has elected prosecution of Claims 1 - 12.

Rejections under 35 U.S.C. §102(e)

In the Office Action, the examiner has rejected claims 1 - 4, 6, 7 - 10, and 12 under 35 U.S.C. §102(e) for lack of novelty as being anticipated by U.S. Patent Number 6,452,609 to Katinsky (hereinafter "Katinsky").

Please note that references to paragraph numbers made in this reply are to the numbers provided in our disclosure as originally filed, instead of the renumbered paragraphs which appeared in the publication of this patent application.

Our invention is directed towards *aggregating* (paragraphs 0025, 0041, claims 1, 7 and 15) information from a *variety* of different sources and actions (para. 0025) performed on user-selected objects, such as getting quotes on a particular company's stock (para. 0035), retrieving analyst's comments on a particular company's stock (para. 0038), and getting recent news about a selected company (para. 0035). Our system executes a *variety* of *different* action scripts (paras. 0026, 0030, 0050, etc.) to retrieve or generate the needed information, and then consolidates or aggregates this information from the variety of sources and variety of action scripts into a single web page.

Additionally, as described in our paragraphs [0053] and [0054], the display of the information from the action modules in our Content Pane is filtered and sorted according to the user's interest level in an object. For example, if a user clicked on "IBM" in the object list of the Context Pane, the results of the news headline information module would be sorted to place those headlines specifically about IBM at the top or head of the results list, and other headlines regarding related subjects such as computer and technology equities would be placed towards the end of the results list. In addition, the "Quotes" transactional information module, which may

exist on another workspace tab, may be pre-populated with all the quote information about "IBM". Our filter/sort process on our Gatekeeper determines which action modules to load, which objects to place in the Context Pane, and how to initially display the action module frames in the Content Pane, according to the user's profile.

Thus, the term *heterogeneous* accurately describes the various types of action scripts available (e.g. some retrieve information, some process information, etc.), as well as to the types of results aggregated onto the single web page.

Katinsky's invention provides *homogeneous* actions for *homogeneous* objects – all are actions are "play" actions, and all objects are "media objects" (col. 6, lines 1 - 9). No provision for retrieving information such as historical stock trading data, nor for processing that data such as graphing the historical trends of stock data, is disclosed.

Further, Katinky's display does not use a traditional web page as we have described, but instead uses a "pageless" design (col. 3, lines 47 - 48, col. 4, lines 2 - 6).

Finally, Katinksy does not *aggregate* information into a simultaneous display of different informational items as we have claimed, but instead *sequences* the playing of media objects (col. 3 lines 45 - 44 - 47, col. 4 line 9, col. 5 line 3).

As such, Katinsky fails to teach our claimed steps, elements or limitations in the following ways:

    (a)   Katinsky teaches homogeneous actions (e.g. "play") performed on homogeneous objects (e.g. "media objects"), whereas we have claimed heterogeneous actions on heterogeneous object types;

    (b)   Katinsky teaches sequential display of content according to user selections, whereas we have claimed aggregation of content according to user selections; and

    (c)   Katinsky teaches "pageless" display, whereas we have claimed a display in a web page.

As such, Katinsky's patent, does not properly anticipate our Claims 1 - 4, 6, 7 - 10, and 12 because it fails to disclose all the claimed steps, elements or limitations.   MPEP 2131 states:

> TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH
> EVERY ELEMENT OF THE CLAIM *(capitalization emphasis found
> in original text)*

For these reasons, Claims 1 - 4, 6, 7 - 10 and 12 should be allowed.

Rejections under 35 U.S.C. §103

In the Office Action, claims 5 and 11 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Katinsky in view of U.S. Patent 6,452,609, to Nikolovska (hereinafter "Nikolovska").

Claims 5 and 11 are dependent on Claims 1 and 7.   The rationale for rejection under Katinsky in view of Nikolovska depends upon Katinsky's teachings of Claims 1 and 7, the failures of which have been discussed in the foregoing paragraphs.

Further, Nikolovska teaches a user interface in a web page (col. 11 lines 26 - 35). Therefore, to modify Katinsky's pageless design to employ Nikolovska's page-based design would not have been obvious as it would render the primary reference inoperable or unsatisfactory for its intended purpose. MPEP § 2143.01 states:

> If [the] proposed modification would render the prior art invention being
> modified unsatisfactory for its intended purpose, then there is no suggestion or
> motivation to make the proposed modification.

The references teach away from the proposed combination as Katinsky clearly teaches away from a page-based user interface. MPEP §2145 states:

> It is improper to combine references where the references teach away from their
> combination.

As previously discussed relative to the 35 U.S.C. 102 rejections, the proposed Katinsky-Nikolovska combination does not teach all the claimed elements, steps, or restrictions. MPEP §2143.03 states:

> **All Claim Limitations Must Be Taught or Suggested.** To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.

For these reasons, allowance of Claims 5 and 11 is requested.

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